

1
2
3
4

5 IN THE UNITED STATES DISTRICT COURT

6
7
8

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11
12
13
14

B & R SUPERMARKET, INC., *et al.*,

No. C 16-01150 WHA

Plaintiffs,

v.

VISA, INC., *et al.*,

**ORDER RE ADMINISTRATIVE
MOTIONS TO FILE UNDER
SEAL IN CONNECTION WITH
MOTION TO TRANSFER**

Defendants.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

In connection with defendants' motion to transfer (Dkt. No. 437), both sides have filed administrative motions to file under seal (Dkt. Nos. 436, 445, 449, 452). The motions seek to keep under seal two pleadings from the multidistrict litigation in the Eastern District of New York, as well as references to said pleadings in other documents, on the basis that the pleadings contain purportedly confidential information. Declarations submitted in support of sealing indicated that (1) both pleadings in question remain under seal in the MDL, and (2) public versions of the pleadings with more tailored redactions would be filed around March 31.

The parties have offered no further explanation as to why the two MDL pleadings and their contents deserve to be kept under seal here. The Court's own review of the parties' redactions revealed nothing that would justify sealing — particularly wholesale sealing of the type sought here — under the standards set forth in *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), which remain the controlling standards in *this* litigation.

Nonetheless, out of respect for the Eastern District of New York — and with the expectation that the parties would soon file revised versions of the materials sought to be kept

1 under seal with more tailored redactions, if any — the Court stayed its hand as to the motions.
2 As of this order, however, no public versions have been filed in this action. All movants
3 responsible for these administrative motions shall **SHOW CAUSE** by **APRIL 13 AT NOON** why
4 anything in connection with defendants' motion to transfer should be kept under seal. To the
5 extent that any movant continues to request sealing under the standards set forth in *Kamakana*,
6 that movant shall also revise both the proposed order on their sealing motion and the redacted
7 versions of their materials accordingly, and file all revised documents by **APRIL 13 AT NOON**.

8

9 **IT IS SO ORDERED.**

10

11 Dated: April 7, 2017.

12

13

14

15

16

17

18

19

20

21

22

23

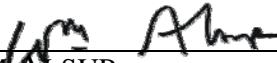
24

25

26

27

28


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE